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**ORIGINAL**

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**\*not admitted in MD**

**FILED/ACCEPTED**

**SEP - 7 2007**

Federal Communications Commission  
Office of the Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**HAND DELIVERY**

Re: Amendment of Section 73.202(b)  
of the Table of Allotments, Peach Springs, AZ  
MB Docket No. 07-164, RM-11386

Dear Ms. Dortch:

Transmitted herewith, on behalf of Smoke and Mirrors, LLC, permittee of KVVY (FM) Cal-Nev-Ari, Nevada, are an original and four copies of an Amendment to its Petition for Rulemaking in the above-referenced proceeding.

Should further information be desired in connection with this matter, please communicate with this office.

Sincerely,



Robert L. Olender  
Counsel for  
Smoke and Mirrors, LLC

RLO/mp

cc: Dale Bickel, FCC, Media Bureau (Via Email)

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

ORIGINAL

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 07-164
Table of Allotments	)	RM-11386
FM Broadcast Stations	)	
(Peach Springs, Arizona)	)	
	)	

To: Office of Secretary  
Attn: Chief, Audio Division  
Media Bureau

**AMENDMENT TO A  
PETITION FOR RULEMAKING**

**Introduction:**

Smoke and Mirrors LLC ("Petitioner"), permittee of KVYL(FM) Cal-Nev-Ari, NV (FCC Facility ID #164263), hereby submits the instant Amendment to its Petition for Rulemaking (the "PRM") in MB Docket 07-164 to amend the FM Table of Allotments as follows:

<b><u>Community</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Peach Springs, AZ	285C3	268C3

**Background:**

In its contingently proposed "hybrid" 301 Application (BMPH-20070124AJQ), the Petitioner proposed to modify KVYL's antenna site. That application is shortspaced under §73.207 towards the unbuilt Vacant Allotment assigned Channel 285C3 at Peach

Springs, AZ. In order to eliminate the shortspacing, the Petitioner requested that Channel 268C3 be substituted for Channel 285C3 with a site modification 14 kilometers west of the community of license in the PRM.

The channel spacings study included in the PRM indicated that from the proposed allotment site, Channel 268C3 would be fully spaced to all other authorizations, proposals, and vacant allotments. However, the Petitioner has since discovered that this is no longer the case. Just prior to the PRM being filed, Sierra H Broadcasting, Inc., licensee of KNRJ(FM) Payson, AZ, proposed to modify the allotment reference coordinates of the unbuilt Vacant Allotment assigned Channel 269C3 at Bagdad, AZ. At the time the PRM was filed, the FCC database did not reflect this proposed allotment site change for Bagdad. However, now, the database shows that from the site proposed in the PRM, Channel 268C3 at Peach Springs would be slightly shortspaced to the Vacant Allotment on Channel 269C3 at Bagdad.

This shortspacing defect can be easily cured by amending the allotment reference coordinates proposed in the PRM to the following location while remaining on the proposed channel of 268C3:

Amended Allotment Reference Coordinates: N35-33-46, W113-27-12 (NAD 27)

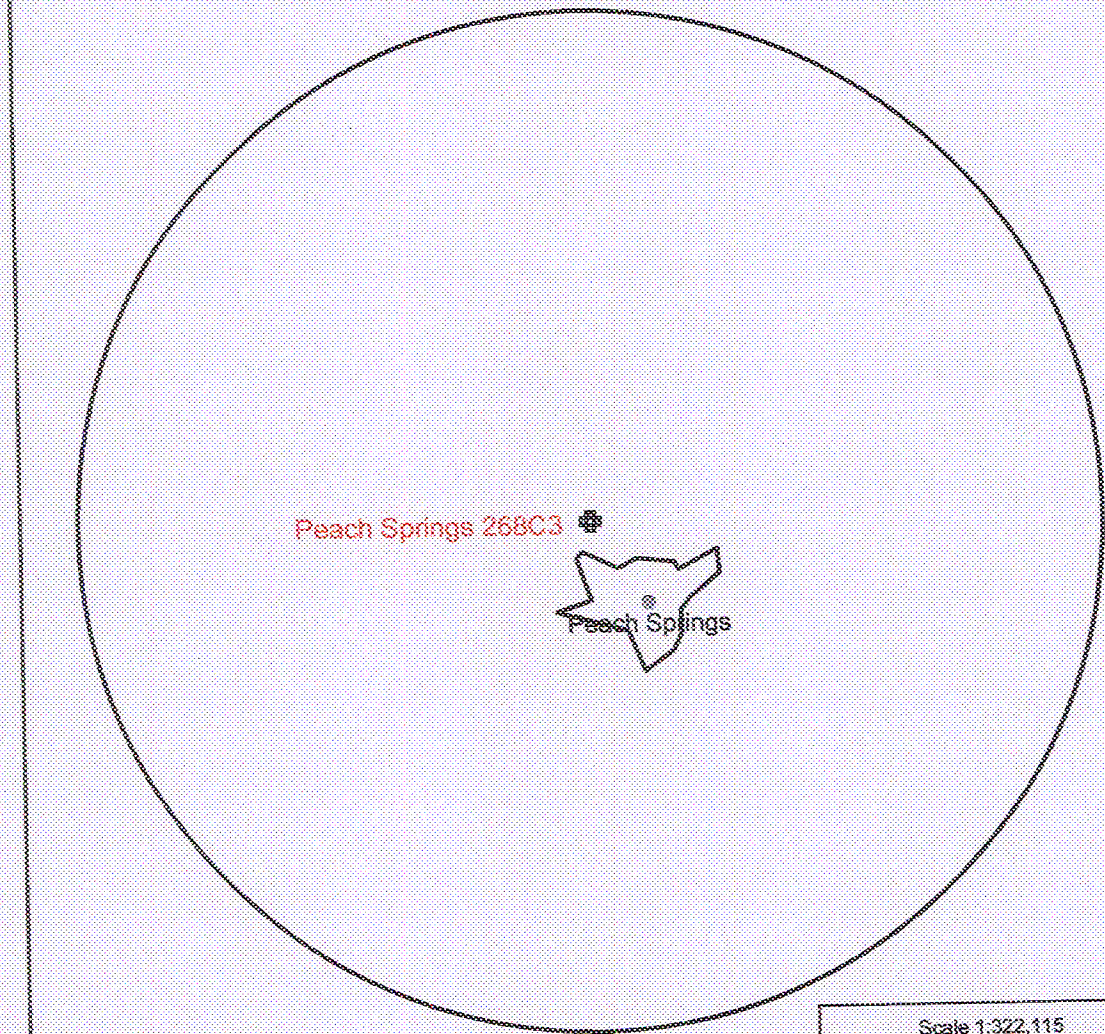
#### **Technical Discussion:**

Exhibit 1 indicates that the Vacant Allotment at Peach Springs on Channel 268C3 would fully be spaced to all other authorizations, proposals, and reserved uses at the Amended Allotment Reference Coordinates.

Exhibit 2 is a City-Grade Contour Map demonstrating that, from the proposed allotment reference coordinates less than a mile northwest of the Peach Springs Census designated boundaries, the theoretical 70 dBu circle contour for Channel 268C3 easily encompasses the community of Peach Springs.

## EXHIBIT 2

City-Grade Coverage Map  
Theoretical 70 dBu Contour



### Peach Springs 268C3

Latitude: 35-33-46 N  
Longitude: 113-27-12 W  
ERP: 25.00 kW  
HAAT: 100.0 m  
Channel: 268 C3  
Frequency: 101.5 MHz  
AMSL Height: 1567.11 m  
Elevation: 1432.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: Line of Sight  
Receiver Ht AG: 9.0 m  
Earth's curvature: 1.3

